

WP(C) 2162/2008
BEFORE
HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. U.K. Nair, learned counsel for the petitioner as well as Ms. R . Chokraborty, learned Addl. Sr. G.A.

The petitioner is the Chairman of the Executive Body of Laharighat Samabai Samity Ltd., Morigaon. He has challenged the order dated 17.05.08 (Annexure-5) issued by the Deputy Registrar of the Co-operative Society, Nagaon directing the petitioner to hold AGM/election by 30.05.08. The direction has been issued in view of the decision conveyed as per the direction the Registrar of the Co-operative Society.

From the materials on record, it appears that the first meeting of the Executive Body upon assumption of charge, was on 14.10.05. As per Rule 27 of the Assam Co-operative Societies Rule, 1953 the term of the Executive Body is for three years from the date of first meeting. Thus, the term of the said body would expire on 13.10.08.

In view of the above, the impugned order dated 17.05.08 could not have been issued directing the petitioner to hold the election by 30.05.08. Accordingly, the writ petition is disposed of setting aside and quashing Annexure-5 order dated 17.05.08 and also providing that the petitioner shall hold election on or before 13.10.08 failing which necessary consequence will follow.